REMARKS

Claims 1-29 were examined in the August 20, 2007 Office Action. Claims 1-24, 26-28 are rejected as anticipated over *Donahue* (U.S. Patent Publication No. 2002/0004907). Claims 25 and 29 are rejected as obvious over *Donahue*.

Claims 1, 7 and 18 are amended above. Claims 26 and 27 are cancelled. Claims 1-25 and 29 remain pending.

Reconsideration of the rejections is requested in view of the above amendments and the remarks which follow.

A.   Anticipation Rejection of Claims 1-24, 26-28 over *Donahue* is Addressed.

The rejection of claims 1-24, 26-28 under 35 U.S.C. § 102(b) as anticipated by *Donahue* is respectfully traversed.

1.   Claims 1-16 are Patentably Distinguishable over *Donahue*

Claim 1 has been amended to recite the following method for linguistic analysis:

> receiving a user selection of at least one category from a list of pre-defined categories, wherein the categories include complex aggregate behavior with a plurality of triggers in a hierarchical relationship and at least one of the plurality of triggers is a trigger for another of the plurality of triggers;
>
> preparing data by collecting the data from at least one of a data stream, a file system, and a database; and
>
> evaluating and scoring the data for the selected at least one category based on the complex aggregate behaviour.

The complex aggregate relationships are now clearly claimed to require a plurality of triggers in a hierarchical relationship in which at least one of the plurality of triggers is a trigger for another of the plurality of triggers. This hierarchical relationship is more complex than the linear relationship of *Donahue,* clearly shown in FIG. 2 of *Donahue* and illustrated in all of the *Donahue* examples. Nowhere in FIG. 2 or in any of the *Donahue* examples does one of a plurality of triggers function as a trigger for another of the plurality of triggers, as is claimed.

The exemplary category definition at *Donahue* [0020] includes weighted regular expressions in which those with negative values are listed first, followed by those with positive values. None of the weighted regular expressions is a trigger for

the expression which follows. Each is merely evaluated in turn and its score added into a running tally.

This is clearly shown in FIG. 2 of *Donahue*, in which each category is separately analyzed, without one category functioning as a trigger for another category. Either (a) a key phrase in a category results in a SUM greater than or equal to the category value, a log is saved and another user selected category is processed, or (b) if all key phrases in a category do not result in a SUM greater than or equal to the category value, no log is saved and another user selected category is processed. Either way, the tabulated results of an analysis of one category do not add into or otherwise influence the evaluation of the next category.

For this reason alone, independent claim 1 and dependent claims 2-16 are patentably distinguishable over *Donahue*.

Claim 7 and dependent claims 8-16 further recite that "the step of evaluating and scoring the data comprises a plurality of computations and the method further comprises dynamically re-ordering the computations." There is no teaching in *Donahue* relating to dynamically re-ordering the computations upon which the data scoring is based. For this additional reason, claims 7-16 are further distinguishable over *Donahue*.

2.   Claims 17-19 and 28 are Patentably Distinguishable over *Donohue*

Claim 17 recites the following steps:

> ordering a plurality of pre-requisite triggers based on decreasing absolute value of a score associated with each of the plurality of pre-requisite triggers; and

> selecting one of the plurality of pre-requisite triggers based on the order.

The ordering by decreasing absolute value allows for consideration of absolute trigger value, irrespective of the sign of the particular trigger value.

The Office Action points to *Donahue* [0021] as showing an order of decreasing value. While, however, the list at [0021] is in an order of decreasing value, it is not in order of decreasing absolute value, as required by the claims. Moreover, the *Donahue* list lists first all negative values in decreasing order, then lists all positive values in decreasing order for a purpose—the hits with negative values are first summed so that a negative subtotal is obtained which the positive

hits must overcome. This does not anticipate the recited method steps.

Independent claim 17, dependent claims 18 and 19, and independent claim 28 which recites a similar limitation, are thus patentably distinguishable over *Donahue* as reciting limitations which are neither literally nor inherently present in the cited reference.

3. Claim 20 is Patentably Distinguishable over *Donohue*

Claim 21 recites the following step:

> defining a category having a first pre-requisite trigger and a second pre-requisite trigger;
>
> receiving a first data set;
>
> determining whether the first pre-requisite trigger is a hit based on the first data set;
>
> if the first pre-requisite trigger is a hit, determining whether a score of the first pre-requisite trigger is greater than zero;
>
> if the score of the first pre-requisite trigger is greater than zero, determining whether the second pre-requisite trigger is a hit based on the first data set;
>
> if the second pre-requisite trigger is a hit, determining whether a score of the second pre-requisite trigger is greater than zero; and
>
> if the score of the second pre-requisite trigger is greater than zero, resolving the category as a hit with respect to the first data set.

The Office Action points to the feature recited at *Donahue* [0025] as anticipating this step. The Office Action characters the "first data set" is the "acquisition category" with the first pre-requisite trigger hit being the match to "resume". However, in this example, the score at this point is <u>not</u> greater than zero, it is negative. Accordingly, the next step of the claimed method, which is performed "if the score of the first pre-requisite trigger is greater than zero" is not performed at [0025]. Accordingly, the example at [0025] cannot be said to anticipate claim 20.

The Office Action then jumps to another example, that at [0027] of *Donahue*. However in this example also, even if one agrees, which the applicant disputes, that "News:" is a pre-requisite trigger at all, it being merely an expression in a list which is processed, in the example given, there is a hit for the word "News:" which sets a value of -2. Under this example, once again, the score of this "first pre-requisite trigger" is not greater than zero. Thus, *Donahue* [0027] fails to anticipate claim 20.

4.   Claims 21 and 22 are Patentably Distinguishable over *Donohue*

Claim 21 recites the following step:

> if the first pre-requisite trigger is a hit, increasing an Avoid Evaluation
> Of This Trigger (AEOTT) rating associated with the first pre-requisite
> trigger. (emphasis added)

The Office Action points to the feature recited at *Donahue* [0019] as anticipating this step. However, *Donahue* [0019] does not avoid evaluation, it merely delays triggering the trigger without positive hits sufficient to overcome negative values. As can be seen from *Donahue*'s teaching, which appears below,

> Within each category, a regular expression can be assigned a . . .
> negative value. Using negative values facilitates avoidance of "false
> hits", or undesired matches.

results In a method in which negative values are summed together to create a total negative sum which must then be offset by the total of hits of regular expressions assigned positive values. In effect, the "hurdle" to overcome to achieve a

SUM>= CATEGORY VALUE?

from FIG. 2 of *Donahue*, is greater, and requires more positive value matches when negative value matches are present.

Clearly, the negative values of *Donahue* do not result in avoiding evaluation at all and thereby "opting out" of the FIG. 2 *Donahue* loop. Thus, they cannot be said to teach the claimed method step with its "Avoid Evaluation Of This Trigger rating". Accordingly, claims 21 and 22 are patentably distinguishable over *Donahue*.

5.   Claims 23 and 24 are Patentably Distinguishable over *Donohue*

Claim 23 recites the following steps:

> if the first pre-requisite trigger is not a hit, determining whether the
> second pre-requisite trigger is a hit based on the first data set;
>
> if the second pre-requisite trigger is a hit, determining whether a score
> of the second pre-requisite trigger is greater than zero; and
>
> if the score of the second pre-requisite trigger is greater than zero,
> resolving the category as a hit with respect to the first data set.

The Office Action points to the feature recited at *Donahue* [0027] as anticipating this step. However, in this example of *Donahue*, the first comparison with "News:" and assigned a negative score. Therefore, the step of "if the first pre-requisite trigger is not a hit" is not performed, according to the logic in the Office

Action. Thus, claim 23 is not anticipated by *Donahue* [0027], and neither is claim 24 anticipated, which depends from claim 23. Claim 24 is further distinguishable over *Donahue*, as reciting the "Avoid <u>Evaluation</u> Of This Trigger" limitation, discussed above.

The rejection of claims 26 and 27 over *Donahue* has been mooted by cancellation of claims 26 and 27. Each of claims 1-24 and 28 claiming at least one limitation not present in *Donahue,* withdrawal of the § 102(b) rejection of claims 1-24 and 28 is respectfully requested.

B.   <u>Obviousness Rejection of Claims 25 and 29 over *Donahue* is Addressed</u>.

Claims 25 and 29 were rejected under 35 U.S.C. § 103(a) as obvious over *Donahue*. This rejection is respectfully traversed.

As discussed in detail above, *Donahue* [0019] does not avoid <u>evaluation</u>, it merely <u>delays</u> triggering a trigger without positive hits sufficient to overcome negative values. The method of *Donahue* results In a method in which negative values are summed together to create a total negative sum which must then be offset by the total of hits of regular expressions assigned positive values. In effect, the "hurdle" to overcome to achieve a

SUM>= CATEGORY VALUE?

from FIG. 2 of *Donahue*, is greater, and requires <u>more</u> positive value matches when negative value matches are present.

Furthermore, there is not only no teaching or suggestion in *Donahue* to exit early if the negative values accumulate such a large running total that one might avoid "false hits". On the contrary, FIG. 2 of *Donahue* makes it clear that so long as the CATEGORY VALUE is not surpassed, one <u>must</u> continue the evaluate of text of interest.

Claim 29 is further distinguishable in reciting an early exit technique that requires the text evaluation to involve "dynamically re-ordering pre-requisite triggers with the re-ordering based on a likelihood in each of the plurality of pre-requisite triggers to cause an early exit." As discussed above, there is no suggestion in *Donahue* to perform an early exit based on mounting negative values for found phrases. In addition, *Donahue* fails to teach any re-ordering of pre-requisite

triggers". The Office Action points to no basis for rejection of these recited features. For these additional reasons, claim 29 is further distinguishable over *Donahue*.

Accordingly, withdrawal of the § 103(a) rejection of claims 25 and 29 is respectfully requested.
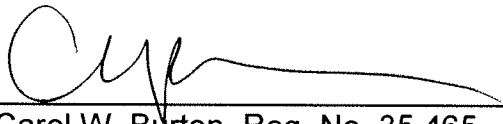
C.   Petition for 3-Month Extension.

The undersigned hereby petitions for a 3-month extension, to extend the due date for response from November 20, 2007 to February 20, 2008. Please charge Deposit Account No. 50-1123 the large entity, three-month extension fee and any other fees associated herewith.

D.   Conclusion.

Pending claims 1-26 and 29 are now believed to be in form for allowance and such action is respectfully requested. Should any issues remain, the Examiner is kindly asked to telephone the undersigned.

Respectfully submitted,

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